

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:16CR256
)	
vs.)	
)	
ALAN RUSSELL,)	ORDER
)	
Defendant.)	

This matter is before the Court on Defendant's Motion to Continue Trial ([Filing No. 90](#).) Counsel is seeking additional time to review recently disclosed video surveillance footage. Defendant shall comply with NECrimR 12.1(a).

For good cause shown,

IT IS ORDERED that the Motion to Continue Trial ([Filing No. 90](#)) is granted as follows:

1. The jury trial, now set for June 13, 2017, is continued to **August 15, 2017**.
2. Defendant shall file the affidavit required by paragraph 9 of the progression order and NECrimR 12.1(a) forthwith.
3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and Defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and August 15, 2017**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).
4. Defendant's Motion to Dismiss ([Filing No. 69](#)) will be held in abeyance pending Defendant's review of the video surveillance referenced in

Defendant's Motion to Continue Trial ([Filing No. 90](#)). By July 3, 2017, Defendant shall advise the Court as to whether he wishes to present any further evidence in regards to the Motion to Dismiss.

DATED this 2nd day of June, 2017.

BY THE COURT:

**s/ Susan M. Bazis
United States Magistrate Judge**